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January 9, 2019

Honorable Ken Paxton
Texas Attorney General
Office of the Attorney General
Opinion Records Division
P. O. Box 12548
Austin, Texas 78711-2548
[CM RRR # 7017 1450 0001 8826 6776]

Re: City of Wichita Falls/Request for Public Information
Ms. Marissa Jones (10 + 15 Day Letter)

Dear Sir or Madam:

On January 6, 2018, the City of Wichita Falls received a request for certain documents maintained by the Wichita Falls Police Department. A copy of the request is attached as **Exhibit 1**. In all future correspondence with the City of Wichita Falls regarding this case, please refer to it as “**City ID # 15**.”

The City seeks to withhold the release of information (**Exhibit 2**) pursuant to the following exceptions of Chapter 552 of the Texas Government Code (TGC):

TGC §552.108 Certain Law Enforcement and Prosecutorial Information

Section 552.108 of the GOVERNMENT CODE, sometimes referred to as the “law enforcement” exception, provides as follows:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

The requested information in police report 97-050959 is held by the Wichita Falls Police Department and deals with the on-going detection, investigation, or prosecution of a crime. The release of such information would interfere with law enforcement or prosecution. The City asserts that the requested information relates to a pending criminal investigation and thus is protected from disclosure under Section 552.108(a)(1). Lieutenant Ginger Gilmore of the

Wichita Falls Police Department believes that release of this information will interfere with the on-going criminal investigation (**Exhibit 3**). *See Houston Chronicle Publ'g. Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App. – Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (*per curiam*) (court delineates law enforcement interests that are present in active cases). *See* Open Records Decision No. 628 at 6-8 (1994).

Based on the foregoing, the City of Wichita Falls respectfully requests an opinion from the Attorney General as to whether the City is required to release the requested information.

By copy of this letter, we are advising the requestor that the City wishes to withhold the information requested, and that it is seeking a decision from your office as to whether the information is excepted from public disclosure.

Yours truly,



Kia Weathersby
Deputy City Clerk
City of Wichita Falls

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